

California Labor Commissioner Publishes Updated FAQ for California Paid Sick Leave

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In October, California passed [Senate Bill \(SB\) 616](#), which increases the amount of paid sick leave employers are required to provide to California employees.

The Labor Commissioner recently published an updated [Frequently Asked Questions page](#) to cover changes made by SB 616. The following is some information of note from the FAQs.

Notice to Employees / Updated Posting

An employer who previously provided less than 5 days or 40 hours of paid sick leave should provide employees with a new copy of the [Notice to Employees](#) required under California's Wage Theft Protection Act.

Employers must also post the updated [paid sick leave poster](#) available on the Labor Commissioner's website.

Transitioning Plans to Comply

The Labor Commissioner also details how employers can transition

plans appropriately to the new requirements under SB 616.

Accrual Method:

For accrual plans that previously provided 3 days/24 hours, if an employer uses an annual start date other than January 1 and implements a 12-month use cap, that cap must change to 40 hours or 5 days on January 1, 2024. The Labor Commissioner provides the following example: if an employer uses the 12-month period of May 1 – April 30 and implements a cap and an employee used 24 hours or three days before January 1, 2024, the employer must allow the employee to use an additional 2 days or 16 hours before April 30 if the employee has accrued that additional leave.

Up-Front Method:

For up-front plans that previously provided 3 days/24 hours, the employer has the choice to frontload the two additional days on January 1, 2024, or move the measurement of the yearly period to January 1, 2024, and frontload five days.

The FAQs also review issues unrelated to the updates to the state paid sick leave such as when employees are eligible for paid sick leave and reasons paid sick leave may be taken.

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